

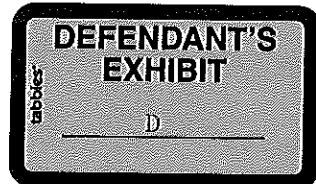
ALVERENE BUTLER

v.

**ALABAMA DEPARTMENT OF TRANSPORTATION, et
al.**

PATRICK TODD JACKSON

January 4, 2007



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Fax: 334.262.4437**

PATRICK TODD JACKSON - 1/4/2007

IN THE UNITED STATES DISTRICT CIRCUIT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION
ALVERENE BUTLER,
Plaintiff,
vs. CASE NO. 2:06-CV-278-MEF
ALABAMA DEPARTMENT OF
TRANSPORTATION, et al.,
Defendants.

* * * * *
DEPOSITION
OF
PATRICK TODD JACKSON,
taken pursuant to notice and stipulation on
behalf of the Plaintiff, and the ALABAMA
DEPARTMENT OF TRANSPORTATION, 1409 Coliseum
Boulevard, Room K-101, Montgomery, Alabama
36130-3050, before DAWN A. GOODMAN, Certified
Shorthand Reporter and Notary Public in and for
the State of Alabama at Large, on Thursday,
January 4, 2007, commencing at 11:10 o'clock
a.m.

1 STIPULATIONS
2 It is hereby stipulated and agreed by
3 and between counsel representing the parties
4 that the Deposition of Patrick Todd Jackson is
5 taken pursuant to notice and stipulation on
6 behalf of the Plaintiff; that all formalities
7 with respect to procedural requirements are
8 waived; that said deposition may be taken
9 before DAWN A. GOODMAN, Certified Shorthand
10 Reporter and Notary Public in and for the State
11 of Alabama at Large, without the formality of a
12 commission; that objections to questions, other
13 than objections as to the form of the
14 questions, need not be made at this time, but
15 may be reserved for a ruling at such time as
16 the deposition may be offered in evidence or
17 used for any other purpose as provided for by
18 the Civil Rules of Procedure for the State of
19 Alabama.
20 It is further stipulated and agreed by
21 and between counsel representing the parties in
22 this case that the filing of the Deposition of
23 Patrick Todd Jackson is hereby waived and that

1 APPEARANCES
2
3 FOR THE PLAINTIFF:
4 JAY LEWIS, Esquire
5 847 South McDonough Street
6 Suite 100
7 P.O. Box 5059
8 Montgomery, Alabama 36104
9

10 FOR THE DEFENDANTS:
11 HARRY LYLES, Esquire
12 Alabama Department of Transportation
13 1409 Coliseum Boulevard
14 Room K-101
15 Montgomery, Alabama 36130-3050
16

17 ALSO PRESENT:
18 Alverene Butler
19 Mark Waits
20
21
22
23

1 said deposition may be introduced at the trial
2 of this case or used in any other manner by
3 either party hereto provided for by the
4 Statute, regardless of the waiving of the
5 filing of same.
6 It is further stipulated and agreed by
7 and between the parties hereto and the witness
8 that the signature of the witness to this
9 deposition is hereby waived.

* * * * *

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23			
1	PROCEEDINGS	6	8
2	THE COURT REPORTER: Counsel, did)
3	you want the usual		
4	stipulations?		
5	MR. LYLES: That's fine.		
6	MR. LEWIS: That's fine.		
7			
8	(PATRICK TODD JACKSON,		
9	of lawful age, having		
10	been duly sworn,		
11	testified as follows:)		
12			
13	EXAMINATION		
14			
15	BY MR. LEWIS:		
16	Q. (By Mr. Lewis) Tell us your name, please.		
17	A. Patrick Todd Jackson.		
18	Q. Okay. Mr. Jackson, my name is Jay Lewis.		
19	You heard what I chatted with Ms. Stacey		
20	about with regard to depositions. Have		
21	you done a deposition before?		
22	A. Yes, sir.		
23	Q. Okay. You have the right to read and		
1	sign your deposition. You can waive the		
2	right, or you can reserve the right to		
3	read and sign. You can consult with		
4	Harry about it.		
5	Do you want to read and sign		
6	it or do you want to waive that right?		
7	MR. LYLES: Waive it.		
8	A. I'll waive it.		
9	Q. (By Mr. Lewis) What's your position with		
10	ALDOT?		
11	A. I am a Transportation Technologist		
12	Senior.		
13	Q. And what does that mean?		
14	A. I'm a Project Engineer. I'm in charge of		
15	construction projects.		
16	Q. And how long have you been doing that?		
17	A. About seven and a half years. I haven't		
18	been a Transportation Technologist for		
19	seven and a half years. I have been a		
20	Project Engineer for seven and a half		
21	years.		
22	Q. When did you join ALDOT?		
23	A. February 3rd, 1983.		
1	Q. Okay. You have been working continuously		
2	since then?		
3	A. Yes, sir.		
4	Q. And when did you become a Project		
5	Engineer?		
6	A. July of 1999.		
7	Q. And I know that these titles with the		
8	State change periodically, but the job		
9	kind of remains the same from time to		
10	time but under a different job title.		
11	Is a Transportation		
12	Technologist essentially the same thing		
13	as a Civil Engineer?		
14	A. I was a Civil Engineer when I was		
15	promoted to a Project Engineer. They had		
16	several engineer classifications. I		
17	don't know where the Transportation		
18	Technologist Senior would fall into that		
19	now.		
20	Q. Okay. At some point did you become		
21	acquainted with Ms. Butler?		
22	A. Yes, sir.		
23	Q. And when did you first come to know		

2 (Pages 5 to 8)

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	9		11
1)	Ms. Butler?	1 Q.	Okay. Well, tell me about these
2 A.	When she -- well, I had seen her in the	2 unexcused absences that you referred to.	
3 District when I came up here and started	3 What are the procedures for getting		
4 working. She was transferred to me at	4 absences excused?		
5 one point. I don't remember when.	5 A. Annual leave is supposedly supposed to be		
6 Q. From whom was she transferred?	6 approved beforehand. Sick leave is		
7 A. I'm not sure.	7 supposed to be approved beforehand. If		
8 Q. Do you know why she was transferred?	8 you have, like, a doctor appointment or		
9 A. No, sir.	9 something like that. You can call in and		
10 Q. Did you have any communications with Mr.	10 be excused if you call in sick.		
11 Waits at the time of her transfer?	11 Q. Did you ever institute a policy by which		
12 A. Other than she was being sent to me. She	12 employees were restricted to one call-in		
13 came with several other employees. I	13 per month?		
14 don't remember how many.	14 A. Yes, sir. I believe it was one call-in a		
15 Q. And he didn't tell you why she was being	15 month. I can't remember the exact. It		
16 transferred to you?	16 was one call-in a month, and I can't		
17 A. No, sir.	17 remember all of it, no, sir. It's still		
18 Q. And during the period of time that	18 in effect.		
19 Ms. Butler worked with you, you also	19 Q. All right. And did -- in your opinion,		
20 supervised Ms. Stacey; correct?	20 did Ms. Butler violate that one call-in a		
21 A. Yes, sir.	21 month policy?		
22 Q. All right. Did you ever tell Ms. Butler	22 A. Yes, sir.		
23 that Mr. Waits was either out to get her	23 Q. All right. Do you know how many times		
	10		12
1)	or she was on his list?	1 10	she called in during an average month?
2 A.	No, sir.	2 A.	No, sir.
3 Q.	Or anything like that?	3 Q.	Did you ever write her up for excessive
4 A.	No, sir.	4 call-ins?	
5 Q.	How was Ms. Butler an as an employee?	5 A.	I don't understand what you mean by
6 A.	Average.	6 "write her up." Explain.	
7 Q.	No particular complaints about her work	7 Q.	Reprimand her, discipline her, put
8 performance?		8 anything in her file?	
9 A.	Oh, yes, sir. I had some complaints	9 A.	I think she may have gotten what I call a
10 about her.		10 letter of written counsel kind of	
11 Q.	What were they?	11 document in her time. I don't remember	
12 A.	Unexcused absences. But I felt it was	12 if I ever reprimanded her for it or	
13 too many absences, stuff like that.		13 not.	
14 Q.	Anything else?	14 Q.	Okay. Did you ever write up Ms. Stacey
15 A.	As a supervisor, you always have	15 or give her a letter of counsel?	
16 complaints about all of your employees --		16 A.	Yes, sir.
17 maybe not -- thinking maybe they are not		17 Q.	All right. About what?
18 attending to their work properly or		18 A.	Her time, her leave and stuff like
19 something like that. In that situation,		19 that.	
20 it would probably be no more than most of		20 Q.	Okay. Were Ms. Stacey and Ms. Butler
21 my employees.		21 allowed to come in late in the morning in	
22 Q.	Nothing in particular stands out?	22 order to discharge their child care	
23 A.	No, sir.	23 responsibilities.	

3 (Pages 9 to 12)

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	13		15
1 A.	I didn't allow them to come in late. I 2 allowed them to come in at 7:30 instead 3 of 7:00. I didn't consider it being 4 late. I mean, that was something we 5 worked out.	1 believe it was -- dealt with the 2 accident.)
6 Q.	Then they worked over to make up for 7 that?	3 During that conversation she 4 had told me that Ms. Butler had stated to 5 some of the other employees that she had 6 used racial epithets during the accident 7 or after the accident or something like 8 that. She was wanting to try to get it 9 cleared up.	
10 A.	They sometimes, maybe, they would take a 9 30-minute lunch, but usually I think they 10 stayed 30 minutes later than most 11 employees were.	10 Ms. Butler, I believe, was 11 in a school that week, so I didn't have a 12 chance to talk to Ms. Butler about it 13 until a couple of days later. On Friday 14 afternoon. I think she got off the 15 school at about 1:00 o'clock, so I talked 16 to her that Friday. Basically asked her 17 had Karen used the racial epithets, and 18 Ms. Butler said she had.	
12 Q.	At some point, did that policy change 13 where they were no longer permitted to do 14 that?	19 And I believe I asked her 20 had she been harmed in any way -- I can't 21 remember the exact words -- and she told 22 me she had forgot it as soon as it 23 happened. I asked her to not talk to any	
14	1 A.	1 other employees about it until I had a 2 chance to talk to Mr. Waits.	16)
2 Q.	2 And SouthernLINC is the walk-talkie 3 phones?	3 Mr. Waits I don't believe 4 was -- at work that Friday but by that 5 time in the afternoon, and I was going to 6 try to get with him Monday morning and 7 talk to him about it, because I knew the 8 procedure if an employee come to me and 9 stated that racial epithets or something 10 like that had been used.	
3 A.	5 Yes.	11 But I didn't know what the 12 procedure was if an employee had been -- 13 would come to you and say somebody else 14 was saying -- in other words, the person 15 supposedly using the racial epithets came 16 to me and said it wasn't true, and she 17 wanted something done.	
4 MR. LYLES:	6 Most of the DOT 5 employees do.	18 Well, I didn't know what to 19 do in that case is the reason I was 20 wanting to talk to Mr. Waits about it.	
5 Q.	7 (By Mr. Lewis) Did you have a 8 conversation with Ms. Butler about that 9 accident?	21 Q.	21 And did you talk to Mr. Waits about it?
6 A.	10 About the accident?	22 A.	22 Yes, sir.
7 Q.	11 Yes.	23 Q.	23 And describe the conversation between you
8 A.	12 No, sir. Are you talking about the day 9 of the accident?		
9 Q.	13 At any time.		
10 A.	14 Yes, sir. I had a conversation 11 with her.		
11 Q.	15 Tell me about that conversation. When 12 did it take place, first of all?		
12 A.	16 I'm not sure of the date. Ms. Stacey had 13 came to me, I believe it was, about some 14 Blue Cross Insurance or something Blue 15 Cross was wanting for her -- and I		

4 (Pages 13 to 16)

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	17	19
1)	and Mr. Waits about that.	1 her to watch herself?
2 A.	Basically laying out both sides of the	2 A. I believe Mrs. Knight, Ms. Butler came to
3 story. I believe Mr. Phillips, our	3 work for me at the same time. I don't	
4 construction engineer at the time, was	4 remember, but I believe they both came to	
5 there too and just basically told him I	5 work for me at the same time.	
6 didn't know how to proceed with it.	6 Q. Were you aware that Ms. Knight had	
7 Q. What did Mr. Waits tell you?	7 previously filed a grievance against a	
8 A.	8 previous supervisor?	
9 we would let the EEO officer handle it.	9 A. No, sir.	
10 Q. Who was the EEO officer?	10 Q. Were you aware of whether or not	
11 A. Doug Furlow was.	11 Ms. Butler had ever filed a grievance	
12 Q. Did you refer to Doug Furlow?	12 against a previous supervisor?	
13 A. Yes, sir. Mr. Furlow took it from	13 A. Have actually filed a grievance? No,	
14 there.	14 sir.	
15 Q. Do you know how it was resolved?	15 Q. Or made a complaint?	
16 A.	16 A. Yes, sir.	
17 No, sir, I don't. I may have known at	17 Q. How did you become aware of that?	
18 the time. I don't remember how they	18 A. I don't remember.	
19 Q. But you had already talked with	19 Q. Did you become aware of it before or	
20 Ms. Butler after her class about whether	20 after Ms. Butler came to work for you?	
21 or not Ms. Stacey had said that?	21 A. After.	
22 A. Yes, sir.	22 Q. How many people -- during 2005, how many	
23 Q. All right. I may have asked you this,	23 people worked under your supervision?	
	18	20
1)	but I have some severe short-term memory	1 A. Probably -- I can't remember exactly.
2 loss. Did you ever advise Ms. Butler to	2 Anywhere from nine to 11, something like	
3 watch herself for any reason?	3 that.	
4 A.	4 Q. Okay.	
5 Q.	5 MR. LYLES: Jay, excuse me. Just	
6 A.	6 so I don't get confused. You	
7 I don't think I would have used them	7 mean the total number of	
8 terms, no, sir.	8 people that worked under him	
9 Q.	9 from January to December or	
10 Well, in those words or words to that	10 number of people that would	
11 effect that she was in trouble or was	11 usually be on a crew?	
12 going to get in trouble or that Mr. Waits	12 MR. LEWIS: I hear what you're	
13 was out to get her or anything like	13 saying, Harry. And that was	
14 that?	14 a bad question. I realized	
15 A.	15 as soon as he answered.	
16 Q.	16 Q. (By Mr. Lewis) At any given time, how	
17 with you about Ms. Butler in which he	17 many people would be under your?	
18 said, you know, We need to get rid of	18 A. Nine to 11.	
19 her; We need to watch her; We need to	19 Q. Okay. All right. During 2005, say	
20 take care of her. Anything like that?	20 2005-2006, how many people have left who	
21 A.	21 were under your supervision?	
22 Q.	22 Obviously, Ms. Butler did. I believe	
23 Did you ever tell Ms. Butler to take	23 Ms. Knight did.	

5 (Pages 17 to 20)

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	21		23
1	A. Four to five. I'm not exactly sure.	1	came down and was working for you, how
2	Q. Okay. Out of those four to five, how	2	many points could he get?
3	many were Black? How many were white?	3	A. I don't know. I would have to look over
4	A. They were all black.	4	Him the whole year and see how He did on
5	Q. All black. And of the nine to 11 people	5	his job.
6	who were working for you at any given	6	Q. Okay. Your theoretical perfect employee.
7	time, give me your best judgment as to	7	A. I just have never had one of them.
8	how many would be white, how many would	8	Q. 40 points?
9	be black.	9	A. I don't know. See, because you have a
10	A. Four were white and the rest were	10	formula where you take their number of
11	black.	11	job duties and divide it. So in other
12	Q. So there would be four whites and	12	words, somebody has more job duties than
13	somewhere between five and seven	13	somebody else. I don't know if it all
14	Blacks?	14	ends up a 40. I'm mean, I'm not sure.
15	A. Yes, sir.	15	Q. Well, you're the one who does the
16	Q. All right. During September of 2005, was	16	calculations.
17	there ever a time that you and Mr. Waits	17	A. Yes, sir. Well, it's printed out on the
18	and Ms. Stacey and Ron Estes were riding	18	thing. You do a score up and you divide
19	together through the job site in the same	19	by a certain number, that kind of
20	vehicle?	20	thing.
21	A. I wouldn't remember that. It wouldn't be	21	Q. Did you ever deduct points from
22	odd for the Division Engineer and the	22	Ms. Butler for having failed the ACI
23	District Engineer to come to a project,	23	test?
	22		24
1	major project, something like that. But	1	A. Yes, sir.
2	I can't remember if in September they	2	Q. Did she later take the test and pass
3	came or not.	3	it?
4	Q. Do you recall whether or not there was	4	A. I don't know. I don't remember.
5	ever a conversation involving you and Mr.	5	Q. Did you deduct seven points for
6	Waits and Mr. Estes in which you were	6	disciplinary reasons for Ms. Butler?
7	encouraging Ms. Stacey to come up with	7	A. I know there is a certain number of
8	some charges against Ms. Butler?	8	points you deduct from a performance
9	A. No, sir.	9	appraisal. I don't right off the top of
10	Q. Appraisals. And I don't have copies of	10	my head remember how many points it is.
11	the appraisals here, and we have not	11	Q. All right. Regarding that accident
12	really exchanged those things, so I'm	12	earlier that year in January and the
13	really speaking from recollection of	13	confrontation that took place in April
14	Ms. Butler here. But, did you give	14	that you heard Ms. Stacey describe, did
15	Ms. Butler a yearly appraisal in 2005 in	15	you give Ms. Butler any written notice of
16	which you scored her a 10.5?	16	counseling for that?
17	A. Did I give her one?	17	A. For the accident?
18	Q. Yes.	18	Q. No. For the confrontation.
19	A. I wouldn't use them terms, no, sir.	19	A. I think I gave her a reprimand for it.
20	Q. Did you rate her as a 10.5?	20	Q. Did you give Ms. Stacey a reprimand?
21	A. Yes, sir.	21	A. No, sir.
22	Q. Okay. And what -- on what scale? In	22	Q. Having heard that Ms. Stacey actually
23	other words, how many points if Jesus	23	started that conversation by saying the

6 (Pages 21 to 24)

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	25	27
1)	first words to Ms. Butler, can you 2 explain why you gave Ms. Butler a 3 reprimand and not Ms. Stacey?	1 James Feagin, J-A-M-E-S, 2 F-E-A-G-I-N. Frank 3 Hollifield, F-R-A-N-K, 4 H-O-L-L-I-F-E-L-D. And 5 Eric Robbins, E-R-I-C, 6 R-O-B-B-I-N-S.
4 A.	I didn't -- when I talked to my employees 5 about it, I didn't talk to Ms. Butler or 6 Ms. Stacey. I talked to the other 7 employees and asked them what happened. 8 That's how I came up with what I thought 9 was appropriate.	7 Q. (By Mr. Lewis) What race is Mr. 8 Hollifield? 9 A. He is white.
10 Q.	Did the other employees tell you that 11 Ms. Butler had started the 12 conversation?	10 Q. How about Mr. Robbins? 11 A. He is white.
13 A.	Yes, sir.	12 Q. How about Mr. Taylor? 13 A. He is black.
14 Q.	Now today is this the first time you 15 found out that's not true?	14 Q. And how about Mr. Feagin? 15 A. He was black.
16 A.	I don't know if I found that out today.	16 Q. Okay. But you didn't talk to Ms. Stacey 17 or Ms. Butler?
17 Q.	Well, you were under the impression from 18 having talked to, quote, "the other 19 employees" that Ms. Butler had basically 20 instigated the confrontation; correct?	18 A. No, sir. Now, I talked to Ms. Butler 19 about it when I gave her her reprimand, 20 yes, sir. But I didn't talk to her about 21 it at the time, no, sir. I didn't 22 actually talk to any of them at the time 23 of the incident. I talked to them later
)	26	28
1)	she was the one who said to Ms. Butler, 2 "If you got something to say, say it." 3 Have you heard that?	1 on after they had got the work that I 2 gave them to do done.
4 A.	I don't remember her exact words, no, 5 sir.	3 Q. Did Ms. Stacey run compactions? 4 A. Has she ever run? I'm sure she has, yes, 5 sir.
6 Q.	But does that give you some clue as to 7 who instigated the confrontation?	6 Q. During 2005? 7 A. I can't remember, no, sir. I don't 8 remember that. I don't know if she did 9 or not.
8 A.	No, sir.	10 Q. Did you perform -- did she perform slump 11 tests? 12 A. During 2005? I'm sure at some point she 13 did, yes, sir.
9 Q.	It doesn't. Okay. Did you talk to 10 Mr. Johnson about who instigated it?	14 Q. You don't have any recollection? 15 A. No, sir.
11 A.	If I remember right, I spoke to James 12 Feagin and Jesse Taylor. I believe I 13 spoke to Mr. Robbins, Harry Robbins. And 14 Frank Hollifield.	16 Q. Have you ever had confrontations with Ms. 17 Stacey? 18 A. Confrontations?
15 Q.	Frank Hollifield?	19 Q. Yes.
16 A.	Yes, sir.	20 A. No, sir.
17 Q.	And Robbins?	21 Q. Y'all ever yell at each other?
18 A.	Yes, sir. Taylor.	22 A. Oh, I'm sure we have. I wouldn't 23 consider that a confrontation.
19 MR. LEWIS:	For the court 20 reporter, spell those names 21 out the best you know.	
22 THE WITNESS:	Jesse Taylor, 23 J-E-S-S-E, T-A-Y-L-O-R.	

7 (Pages 25 to 28)

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	29	31
1 Q. Has she ever thrown anything?	1 I'm not understanding the question.	
2 A. At me?	2 Q. All right. In other words, did you ever	
3 Q. At you or in your presence?	3 go back into Ms. Butler's file and	
4 A. No, sir.	4 disallow any leave slips that had been	
5 Q. Did you ever reduce -- well, first of	5 approved prior to that?	
6 all, let me ask you this: How did the	6 A. Back into her file?	
7 employees under your supervision keep	7 Q. Yes. Or wherever leave slips are kept.	
8 track of their hours they worked?	8 A. No. Because when we turn in a time	
9 A. We have a sheet up on a board at the	9 sheet, the leave slips go. The leave	
10 office that they are responsible for	10 slips go over to the District Office on	
11 putting their hours down. It's been done	11 them. In other words, it wasn't a matter	
12 a different way since I've been a Project	12 whether I went back and changed something	
13 Engineer, but usually I try to make each	13 in her file, because the leave slip that	
14 employee responsible for their time.	14 went to the payroll clerk would be on	
15 That way they can't -- like I say, if a	15 file.	
16 Chief Inspector is filling out the daily	16 Q. Well, did you ever change it before it	
17 report, if he forgets to put somebody	17 went to the payroll clerk and disallow	
18 down or something like that, it keeps	18 leave that had previously been	
19 that from happening. They are supposed	19 approved?	
20 to keep their own time on the sheet when	20 A. I may have. I don't remember. Before	
21 they came in. That way they can't say,	21 the pay period was up?	
22 Well, James forgot to put me down, or	22 Q. Yes.	
23 something like that.	23 A. I may have. I don't remember.	
	30	32
1 Q. Did Ms. Butler and people she rode with	1 Q. Okay. Did you ever go back to previous	
2 during 2005 generally arrive back at the	2 pay periods and deduct hours from	
3 project office after everybody else	3 current?	
4 did?	4 A. Did I do it?	
5 A. I wouldn't know. I mean, I usually	5 Q. Yes.	
6 wasn't there when they got back in the	6 A. No, sir, I don't have that power to do	
7 afternoon.	7 that.	
8 Q. Okay. So how would you know whether or	8 Q. Did anybody do it, to the best of your	
9 not the hours they claimed were	9 knowledge?	
10 accurate?	10 A. I don't remember.	
11 A. They write their hours down.	11 Q. Did anybody do it at your direction?	
12 Q. Okay. Did you ever deduct hours from Ms.	12 A. The person that would do it wouldn't be	
13 Butler's time sheet?	13 under my supervision. That would have to	
14 A. I don't know. I don't remember.	14 come from, I guess, the payroll clerk. I	
15 Q. Did Ms. Stacey ever tell you that	15 don't know how that would work.	
16 Ms. Butler had not worked the hours she	16 Q. Let me ask you one more time, because I	
17 claimed?	17 don't remember the answer: Was there	
18 A. I don't remember.	18 ever a time that Ms. Butler was required	
19 Q. Did you ever go back anytime during 2005,	19 to be at work at 7:00 o'clock and Ms.	
20 beginning on April 8th, 2005, and	20 Stacey was allowed to come in at 7:30?	
21 disallow previously allowed leave time	21 A. No, sir.	
22 for Ms. Butler?	22 Q. Did Ms. Stacey -- or did Ms. Butler ever	
23 A. Disallow previously? I don't remember.	23 tell you what racial slurs Ms. Stacey was	

8 (Pages 29 to 32)

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	33	35
1)		
1 A. supposed to have used?	1 I didn't take any questions or comments	
2 A. Yes, sir.	2 from anybody. I pretty much told them I	
3 Q. Okay. What did she say?	3 expected them to get that done and get it	
4 A. I mean, I know it was the "N" word, but I	4 done then.	
5 mean, I believe it was supposed to be	5 Q. Well, did Ms. Butler attempt to tell you	
6 several other curse words along with	6 her side of the story at that time?	
7 that. I don't remember exactly.	7 A. Yes, sir.	
8 Q. Would it have been something in the	8 Q. You didn't --	
9 nature of, "Did you see that stupid ass	9 A. I didn't want to hear it.	
10 motherfucking nigger hit me?"	10 Q. You didn't want to hear it.	
11 A. Something like that, yes, sir.	11 A. I mean, what you have to understand, the	
12 Q. And did she also report to you that when	12 work I had given them to do was right in	
13 Ms. Stacey saw the driver of the other	13 front of a contractor. In other words,	
14 car in the street directing traffic, she	14 we didn't have time. It had to be done	
15 said, "Now that stupid ass nigger is out	15 at that point. I mean, it was not wait	
16 there trying to direct traffic"?	16 until tomorrow or let's all have a	
17 A. I think it was something like that. I	17 meeting. It was, we've got to get this	
18 don't remember the exact words. She	18 done at this point, and that was all that	
19 didn't report it to me now. I asked	19 I was interested in having done at that	
20 her.	20 time was getting all of that done.	
21 Q. And do you have any reason to believe	21 Q. I hate to go back to the sick-leave thing	
22 that she was not telling you the truth	22 again, excused absences. But let me ask	
23 about what she heard or thought she	23 you if you recall a time that Ms. Butler	
1)	34	36
1 heard?	1 called in and told you that her son was	
2 A. Do I have any reason to believe?	2 sick and that she would not be in?	
3 Q. Yes.	3 A. Do I?	
4 A. No, sir.	4 Q. Yes.	
5 Q. Okay. During or immediately after the	5 A. I don't recall a particular instance, no,	
6 confrontation on April 8th -- I represent	6 sir.	
7 to you it was April 8th -- the following	7 Q. All right. Well, do you recall on any	
8 Monday, did you come to the job site and	8 instance that you approved her leave and	
9 have a meeting with the employees who	9 then, before anything went to payroll,	
10 were there about that incident?	10 you went back in and disapproved it?	
11 A. Are you talking about the day of the	11 A. I don't recall that, no, sir.	
12 incident?	12 Q. Okay.	
13 Q. The day of or afterwards.	13 A. I'm not saying that I didn't. I just	
14 A. I remember coming back to the job site.	14 don't recall.	
15 I was called by Ms. Stacey. She was	15 Q. I understand. During the period of time	
16 telling me worked wasn't being performed.	16 that Ms. Butler was under your	
17 I remember coming back to the job site	17 supervision, did any openings exist or	
18 and gathering all the employees up on the	18 did they become open for Civil Engineer	
19 job site together and pretty much reading	19 or what is now, I guess, Transportation	
20 the riot act to them and basically	20 Technologist?	
21 letting them know that I was expecting	21 A. I'm sure they did.	
22 the work that I had given them to be	22 Q. In your area?	
23 performed and be performed at that time.	23 A. I'm just sure that they were hiring	

9 (Pages 33 to 36)

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	37		39
1	civil -- I mean, I'm a pretty good guess	1	A. No, sir.
2	they were hiring them across the state.	2	Q. Can you recall whether you ever
3	I don't know any particular position or	3	reprimanded her for anything?
4	anything like that.	4	A. Ms. Stacey?
5	Q. Did you do any of the interviewing?	5	Q. Yeah.
6	A. No, sir.	6	A. No, sir.
7	Q. That would have been at Mr. Waits' level	7	Q. That was a bad question.
8	or somewhere up there?	8	Did you ever reprimand her
9	A. Just whoever. I have never interviewed	9	for anything?
10	anybody.	10	A. Reprimand her? No, sir.
11	Q. All right. Can you recall who received	11	Q. Or give her a letter of counseling?
12	Civil Engineer jobs during the time that	12	A. Yes, sir.
13	Ms. Butler worked for you?	13	Q. You did?
14	A. No, sir.	14	A. Yes, sir, I have given her a letter of
15	Q. Was Ms. Stacey offered a civil	15	counseling.
16	engineering job?	16	Q. Do you recall on how many occasions?
17	A. I heard her say today she was.	17	A. I know of one. I don't know other than
18	Q. Prior to her, do you recall a white male	18	that, but I know of one.
19	receiving a Civil Engineer job?	19	Q. Did you ever write Ms. Butler a letter
20	A. No, sir.	20	and tell her that her leave time was
21	Q. To the best of your knowledge, did	21	low?
22	Ms. Butler ever apply for that	22	A. Did I write her a letter? I don't know
23	position?	23	if I wrote her a letter. I had several
	38		40
1	A. No, sir, I don't know.	1	discussions with her about her time, but
2	Q. None of that would have been your	2	I don't know if I wrote her a letter. I
3	responsibility?	3	know I wrote her a letter of written
4	A. No, sir, no.	4	counsel about her leave time.
5	Q. Let me just go through some notes. I	5	Q. Well, I've got a leave record here, and
6	think we are just about through.	6	I'm not going to make it an exhibit. We
7	MR. LYLES: Do you want us to step	7	will do that later sometime. And it
8	out for a minute?	8	shows that through August 19th of 2005
9	MR. LEWIS: Yes, if you don't	9	she always maintained a positive balance
10	mind. That would be great.	10	of leave time. Could you confirm whether
11	Thank you.	11	that's true or not?
12	(Short recess)	12	A. For 2005?
13	Q. (By Mr. Lewis) Did you ever observe Ms.	13	Q. Well, I think it starts 2003.
14	Stacey having altercations in the office	14	A. Yes, sir, it looks like she did. Yes,
15	with David Jones?	15	sir.
16	A. Altercations?	16	Q. Okay. At what point would you warn her
17	Q. Yes.	17	about leave time?
18	A. What do you mean by "altercations"?	18	A. I usually try to say something to my
19	Q. I'm talking shouting matches and things	19	employees if they get under about 40
20	like that.	20	hours.
21	A. I've heard them yell at each other, yes,	21	Q. But she never got down to zero. She
22	sir.	22	never used up all of her leave time?
23	Q. Was she ever reprimanded for that?	23	A. I don't recall. I just glanced over it.

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I don't think she did, no, sir.

Q. Did you go to the hospital to see
Ms. Butler after that accident in January
of 2005?

A. Yes, sir.

Q. During that period of time did she try to
talk to you about the circumstances of
the accident?

A. Not that I recall, no, sir.

Q. Do you recall anything she said to you?

A. I don't even recall if I talked to
Ms. Butler. I don't know if Ms. Butler
was already back in the waiting room or
not when I got there. I just went by
there and checked. I don't remember.

MR. LEWIS: I think that's all I
have.

MR. LYLES: We don't have
anything.

(Whereupon, the deposition was
adjourned at 12:05 o'clock
p.m.)

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CERTIFICATE OF COURT REPORTER

I, DAWN A. GOODMAN, do hereby certify;
That I am a Certified Shorthand Reporter
of the State of Alabama;

That the foregoing pages are a true and
correct transcript of the Deposition of Patrick
Todd Jackson;

I further certify that I am not interested
in the outcome of said matter nor connected
with or related to any of the parties of said
matter or to their respective counsel.

Dated this 9th day of January, 2007, at
Prattville, Alabama.

DAWN A GOODMAN, CSR
State of Alabama

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